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May 29, 2013

Wendy Cleland-Hamnett  
Director, Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency, MC 7401M  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Subject: Toxic Substance Control Act (TSCA), limiting inadvertently generated PCBs  
Dear Ms. Cleland-Hamnett:

The Pacific Northwest Clean Water Association (PNCWA) urges the USEPA to consider revising its implementing regulations for TSCA to decrease allowance of inadvertently generated Poly Chlorinated Biphenyls (PCBs). PNCWA is dedicated to preserving and enhancing water resources in the States of Idaho, Oregon and Washington and is a Member Association of the Water Environment Federation (WEF), the non-profit technical and educational organization for water environment professionals active in 39 countries.

PNCWA believes the revisions to TSCA should be part of a comprehensive effort by EPA to assist states, tribes and local governments in the control of PCBs. Efforts for control of PCBs should focus on actions that result in effective control and not come solely at the expense of the publicly owned treatment works (POTWs). Focusing efforts on POTWs by themselves would not be effective. Effective actions could include remediation of contaminated sites, source control, and non-point source controls.

Although banned in the 1970s PCBs continue to be an environmental concern as legacy and ongoing sources of PCBs end up in waterways, potentially impacting beneficial uses. Advances in analytical methods provide an ability to measure PCBs at much lower levels allowing PCBs to be found in sediments, fish tissue, and water. Oregon has lowered water quality criteria based on fish consumption rates, and we can expect other states in the Pacific Northwest to consider similar actions. Municipalities can expect to see more regulatory actions, such as establishing Total Maximum Daily Loads (TMDLs) to limit the impact of toxic pollutants including PCBs.

Regulatory actions, such as TMDLs, often focus control efforts on regulated point sources, including POTWs. However, control of PCBs from point sources including POTWs alone is unlikely to achieve water quality objectives. Limiting PCBs at their source, including reducing the inadvertently generated PCBs, along with proactive control of legacy sources provides a more comprehensive approach, as suggested by Spokane River Regional Toxics Task Force. Along with the Spokane River Regional Toxics Task Force, National Association of Clean Water Agencies (NACWA) and others, PNCWA and WEF urge EPA to consider revisions to TSCA to further limit the concentration of inadvertently generated PCBs as one means to support comprehensive approaches to reducing PCBs. Thank you for your consideration of our concerns and input.

Sincerely,

Mark Poling, PNCWA President  
Clean Water Services